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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,410	09/10/2003	Gus E. Krause	TA-00709	4644

7590 04/06/2006

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EXAMINER

ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,410	Applicant(s) KRAUSE ET AL.	
	Examiner Sara Addisu	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/5/05, 9/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 23-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/9/06.

Information Disclosure Statement

The information disclosure statement filed 9/10/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it lists application number under US Patent Documentation (U.S. S.N. 10/445,518). The appropriate patent number for the application number listed in the IDS is 6,761,513. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shemeta (US Pub. No. 2004/0101376).

SHEMETA teaches a drill having a tubular outer housing (105) having a bore extending along a longitudinal axis, a tubular inner housing, a pneumatic motor assembly (107) having a chuck (113) adapted to receive a bit (101) for rotation, pneumatic cylinder (801) for controlling the movement of the drill assembly (100) to and from the workpiece in an axial direction ('376, figure 4). Regarding claims 2 and 3, SHEMETA teaches hydraulic pump (300) having a reservoir (301) that is in fluid communication with pneumatic cylinder (801) (page 5, left column, lines 1-10). SHEMETA also teaches pistons (805, 807) and pressurized hydraulic fluid being supplied to retract and extend chambers causing piston (807) to retract and extend ('376, page 8, paragraph 56). SHEMETA teaches in figure 8, a bypass passage and an adjustable orifice (813) in the by-pass passage ('376, paragraph 54, lines 1-5). Furthermore, SHEMETA teaches pulse valve being positioned between the pilot valve and the portion of the pneumatic circuit consisting of the retract valve and the pilot of the hydraulic valve. The pulse valve is actuatable between a first position wherein the retract valve and pilot are in fluid communication with the pilot valve and a second

position wherein the retract valve and pilot are isolated from the pilot valve ('376, page 3, paragraph 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Shemeta (US Pub. No. 2004/0101376), in view of Eckman (USP 5,149,232).

SHEMETA teaches a drill having a tubular outer housing (105), a tubular inner housing, a pneumatic motor assembly (107), a chuck (113) and pneumatic cylinder (801) for controlling the movement of the drill assembly (100) to and from the workpiece in an axial direction, as set forth in the above rejection.

However, SHEMETA fails to teach a sensor assembly that provides a signal.

ECKMAN teaches a pneumatic drill having an air cylinder for retracting and extending the drill bit to the workpiece. ECKMAN also teaches an adjustable by-pass or restriction that controls the rate of advancement toward the workpiece ('232, col. 2, 2nd paragraph). Furthermore, ECKMAN teaches retract and extending positions being detected by sensor (208).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a sensory assembly to SHEMETA's invention, as taught by ECKMAN for the purpose of increasing accuracy and tool life.

3. Claims 8, 9, 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shemeta (US Pub. No. 2004/0101376), in view of Eckman (USP 5,149,232) and further in view of Frederick (USP 6,788,997).

The modified device of SHEMETA teaches a drill having a sensor assembly that provides a signal. Furthermore, ECKMAN teaches a preferred control system comprising a drilling mode sensor, a retracted position sensor, a timer, and end of hole sensor, and a drive train control. The control system could be pneumatic components, analog electrical circuit components or digital control components ('232, Col. 7, lines 47-56).

However, the modified device of SHEMETA fails to teach a resilient dome member and electrical contacts being engaged by the dome member.

FREDERICK teaches electrical sensor means are supported by and electrically connected to circuit board, the sensor means generating signals indicative of the placement of an object onto and the removal of an object from the object a support member (136). FREDERICK also teaches the sensor means comprising one or more

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discrete force actuatable switches (160) such as snap-type internally resilient dome switches.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize resilient dome switch, as taught by FREDERICK because ECKMAN teaches the control system could be analog electrical circuit ('232, Col. 7, lines 47-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
4/13/06


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SUPERVISORY PATENT EXAMINER